IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 3465 of 2005

C.R. Unnikrishnan .. Petitioner
V/s.
Union of India & Anr. .. Respondents

Mr. S.N. Kantawala i/b. Mr. Yogesh Rohira for the Petitioner

Mr. H.V. Mehta with Mr. Y.R. Mishra for the Respondents

CORAM : S. RADHAKRISHNAN &
J.H. BHATIA, JJ.
DATED : 29.06.2005.

P.C.:-

1. Rule. Rule made returnable forthwith. Heard the learned counsel for the Petitioner and the Respondents. The learned counsel for the Respondents waives service. By consent taken up for hearing.

2. By this Petition, the Petitioner is challenging the order dated 2.5.2005 described as Circular No. 05/2005 passed by the Commissioner of Customs. After perusal of the said order and after perusal of the affidavit-in-reply, it is clear that no personal hearing was given before the aforesaid impugned order was passed. Mr. Mehta, the learned counsel for the Respondents does not dispute that the said order was passed without giving a personal hearing.

3. In view of the fact that as no personal hearing was given to the Petitioner with regard to the aforesaid impugned order, on this limited ground, we quash and

set aside the order dated 2.5.2005 being Exhibit A to

the Petition and remand back the matter to the Commissioner of Customs, Mumbai-1, to give a fresh hearing and de-novo decide the issue. This shall be done as expeditiously as possible, preferably within a period of four weeks from today. All the contentions of both the parties are kept expressly open. Needless to state that the Commissioner of Customs shall pass a reasoned order. Rule is made absolute in terms of the above.

(S. RADHAKRISHNAN, J.)

(J.H. BHATIA, J.)